

Appl. No. 10/733,108
Examiner: DWIVEDI, VIKANSHA S, Art Unit 3746
In response to the Office Action dated July 27, 2006

Date: November 27, 2006
Attorney Docket No. 10118121

REMARKS

Responsive to the Office Action mailed on July 27, 2006 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 3, 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopatinsky (US 6,194,798).

In this paper, claims 1-2 are amended. Claims 3-4 and 6 are cancelled. New claims 9-14 are added. Support for the amendments and new claims can be found at least in the original claims, pages 3-4 and Fig. 2 of the application. Thus, on entry of this amendment, claims 1-2, 5 and 7-14 remain in the application.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 35 U.S.C. 112

As claims 3-4 and 6 are now canceled, the rejections under 35 U.S.C. 112 are rendered moot.

Rejection under 35 U.S.C. 102

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopatinsky. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal

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Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

As amended, claim 1 recites an axial flow type cooling fan, comprising an upper casing, a lower casing, attached to said upper casing and together with said upper casing enclosing an inner space, a rotor assembly and a driving unit. The rotor assembly is housed in said inner space and comprises a plurality of blades attached to a central shaft and a peripheral ring encircling the blades, wherein the peripheral ring has a peripheral rim extending outward therefrom. The driving unit comprises permanent magnets disposed on said peripheral rim and electric coils disposed on said upper or lower casings to face said permanent magnets, causing said rotational movement of said rotor assembly.

Lopatinsky teaches a fan with magnetic blade. The fan disclosed by Lopatinsky comprises a housing 12, a rotor assembly 14 and a stator coil assembly 16. The housing 12 comprises a plate 18 and a shroud 20. The impeller assembly 14 includes two sub-impellers 24 and 26 permanently magnetized in the radial direction. The stator coil assembly 16 includes coils 53, 54, 55 and 56 turning around iron cores 34 to form electromagnetic pole shoe 36.

Lopatinsky fails to teach or suggest a rotor assembly comprising a peripheral ring encircling the blades, wherein the peripheral ring has a peripheral rim extending outward therefrom, as recited in claim 1.

In the rejections, the Examiner respectively identifies ring segments 25/27 and housing 12 as the alleged "peripheral ring" and "peripheral rim" of claim 1. However, unlike the rotor housing of claim 1, housing 12 is not "extending outward from" the peripheral ring. To the contrary, Lopatinsky teaches that housing 12 is a separate structure disposed adjacent and parallel to the ring segments 25/27. See col. 5, lines 22-28 of Lopatinsky.

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Lopatinsky fails to teach or suggest a driving unit comprising permanent magnets disposed on said peripheral rim, as recited in claim 1.

As noted above, Lopatinsky does not teach or suggest a peripheral rim extending from the peripheral ring. It follows that Lopatinsky cannot teach "permanent magnets disposed on said peripheral rim" as recited in the claim.

Furthermore, the shoes 36 of Lopatinsky are electromagnetic poles induced by the coils 53-56, not permanent magnet. See col. 4 lines 22-32 of Lopatinsky. The permanent magnets of Lopatinsky are the sub-impellers 24/26 of the rotor assembly. See col. 3, lines 63-66 of Lopatinsky. Clearly, the sub-impellers 24/26 are not disposed on a "peripheral rim" extending from a "peripheral ring" encircling the rotor blades, as recited in claim 1.

Lopatinsky fails to teach or suggest a peripheral rim extending from the peripheral ring, wherein the peripheral rim is perpendicular to said center shaft, as recited in claim 9.

As noted above, Lopatinsky does not teach or suggest a peripheral rim extending from the peripheral ring. It follows that Lopatinsky cannot teach "the peripheral rim is perpendicular to said center shaft" as recited in claim 9.

Lopatinsky fails to teach or suggest that said coils are disposed on said upper casing above said permanent magnets so as to define an axis parallel to said central shaft, as recited in claim 10-11, or that said electrical coils and said permanent magnets are arranged axially relative to said central shaft, as recited in claim 14.

The structure of Lopatinsky is similar to the prior art described in the application, namely, the coils and the permanent magnets are radially arranged relative to the central shaft. To the contrary, the coils and the permanent magnets of the claim 10-11 and 14 are axially arranged relative to the central shaft.

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For at least the reasons described above, it is Applicant's belief that Lopatinsky fails to teach or suggest all the limitations of at least claims 1, 9-11 and 14. Applicant therefore respectfully requests that the rejection of the claims be withdrawn and the claims passed to issue. Insofar as claims 2, 5, 7-8 and 12-13 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant's belief that these claims are also in condition for allowance.

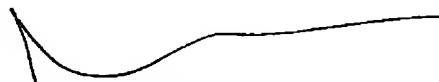
Foreign Priority Claim

Acknowledgment of Applicant's claim to foreign priority under 35 USC 119(a)-(d) or (f) is respectfully requested.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



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